



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

MINUTES  
MAUI/LANA'I ISLAND BURIAL COUNCIL MEETING

DATE: WEDNESDAY, DECEMBER 28, 2005  
TIME: 9:00 A.M.  
PLACE: COUNTY OF MAUI  
PLANNING DEPARTMENT  
KAULANA PAKU'I BUILDING 1<sup>ST</sup> FLOOR  
250 S. HIGH STREET  
WAILUKU, HI 96793

ATTENDANCE:

<b>Members:</b>	Dana Naone Hall, Vice-Chair Keeaumoku Kapu Pua Paoa Edward Kaahui Scott Fisher William Frampton	
<b>Absent:</b>	Kema Kanakaole Charles Maxwell Leslie Kuloloio Mei Lee Wong Vince Kanemoto, Deputy Attorney General	(unexcused) (excused) (excused) (excused) (excused)
<b>Staff:</b>	Kawika Farm, Clerk Stenographer Melissa Kirkendall, Maui / Lanai Archaeologist	
<b>Guest:</b>	Mike Dega Tanya Lee-Greig Lisa Rotunno-Hazuka	Kamaui Aiona Hal Hammatt Uilani Kapu

I. OPENING REMARKS

Maui/Lanai Islands Burial Council (MLIBC) Vice-Chair called the meeting to order at 9:55 a.m. Hall apologized for the delay in starting the meeting and explained the council had been waiting for the arrival of another MLIBC member to complete quorum. Hall said MLIBC Chair, Charles Maxwell was in the hospital and, in light of his absence, she would be Chairing the meeting. Hall mentioned Leslie Kuloloio was on Oahu and

both he and Maxwell were excused from today's meeting. Hall called on Keeaumoku Kapu to give the *pule wehe*.

## **II. APPROVAL OF MEETING MINUTES**

### **November 17, 2005**

Scott Fisher pointed out the spelling of "Fleming Beach" had been incorrectly spelled in the second paragraph on page 7 and in the last sentence on page 8 as "Flemging Beach". Hall said on page 11 in the fourth paragraph which started with, "Kapu asked if SHPD (State Historic Preservation Division) had any input. Kirkendall said the forming and footing of the wall did not currently extend all the way to the Lao Valley side of the dune to where the burial was" clarified that Melissa Kirkendall was referring to the second inadvertent burial which was discovered during monitoring of the current retaining wall project. Hall said the clarification was due to having a number of burials discovered at the Victor Campos property, some which had pre-dated the current retaining wall project and two which were discovered during the project. Hall said line 11 of the second paragraph on page 22 which read, "Hall said there needed to be a close working relationship between SHPD and the council to ensure all necessary elements have been met prior to placing a BTP (burial treatment plan) on the agenda," Hall clarified the sentence referred to placing a BTP on an agenda for a determination by the council. Hall said in the last paragraph on page 24 the name "La France Kapake-Arboleda" was misspelled and should be corrected to "La France Kapaka-Arboleda." Hall said line seven of the second paragraph on page 25 which read "Hall said after discussing each proposed change, there was a consensus among everyone present that each proposed change was not necessary," to "Hall said after discussing each proposed change, there was a consensus among everyone associated with an island burial council that each change proposed was not necessary with the exception of one particular change that Kanemoto felt was necessary." Hall said the last sentence in the second paragraph on page 25 should be struck and replaced with "there were questions as to whether or not these changes were necessary." Hall said line 12 of the third paragraph on page 25, the word "to" should be changed to "of" and to add an "s" to the word "council."

**Fisher moved and Kapu seconded, "that the Maui/Lanai Islands Burial Council approves the minutes of November 17, 2005 meeting as revised and amended."**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

## **III. BUSINESS**

### **A. BURIAL TREATMENT PLAN FOR HUMAN SKELETAL REMAINS IDENTIFIED ON THE STEVENS PROPERTY, MOOLOA AHUPUAA, MAKAWAO DISTRICT, ISLAND OF MAUI, TMK: (2) 2-1-006:104**

**Determination:** Determination on a Request to Relocate Displaced Human Skeletal Remains.

**Recommendation:** Recommendation on Burial Treatment Plan.

Lisa Rotunno-Hazuka of Archaeological Services Hawaii (ASH) identified herself and mentioned the particular agenda item had come before the council four times. Hazuka said a reinterment area was proposed for the southeast corner of the Stevens' property. Hazuka reiterated Edward Kaahui's request to move the burial platform so that the platform was centered in the preservation area. Hazuka said the BTP proposed to relocate human skeletal remains that were disturbed and identified during inventory survey of the subject property. Hazuka said page six of the BTP showed a plan view of an intact, historic burial feature. Hazuka said the burial feature was of an elderly Chinese woman included in a previous BTP that ultimately resulted with the burial being relocated off the property. Hall asked if the burial of the Chinese woman was found with historic artifacts to which Hazuka confirmed. Hazuka said additional skeletal remains of an adult and child were discovered during excavation of test units around the burial of the Chinese woman. Hazuka said the additional skeletal remains were mixed within the pit fill and could have been disturbed when the burial of the Chinese woman was originally interred in the area. Hazuka said the collected remains of the adult and child was of a small amount, approximated to be near a sandwich size bag full.

Hazuka said pages 8, 9 and 10 explained the details of what was being proposed. Hazuka said the reinterment pit would be two feet long by two feet wide by three feet in depth with the remains centered within the pit, then lightly covered with sand, then dirt, then a concrete capping and finally a rock platform would be constructed over the pit for surface demarcation. Hazuka said the dimensions for the rock platform would measure three feet long by three feet wide by one foot in height and be about 2-3 courses high. Hazuka said there would be 10 foot buffers on the south and east side of the preservation area and 8 foot on the north and west sides. Hall asked if the buffers were measured from the outside edges of the platform to which Hazuka confirmed. For clarification, Hall asked if the platform was not included in the measurement of the buffers, which Hazuka confirmed. Hazuka said page 10 of the BTP showed a plan view of the preservation area which included the rock platform and the buffers. Hazuka said the buffer area would have native vegetation, grass or other ground cover that would need to be maintained to prevent vegetative growth over the platform. Hazuka said a rock wall would be constructed to demarcate the edges of the buffer zone. Hall asked if the rock wall would be built on the sides of the preservation area facing into the property, on the north and west facing sides of the buffer area, to which Hazuka answered yes.

There was confusion about the measurements of the buffer area listed on page 10 because the 10 foot buffer on the east side plus the 8 foot buffer on the west side plus the 3 foot rock platform did not add up to 28 feet which was both the length and width of the preservation area. Hall thought a typo could have occurred. William Frampton inquired as to how the size of the preservation area was determined. Hazuka said originally a 15 foot long by 15 foot wide preservation area was proposed but the council had asked for a larger preservation area closer to 30 foot. Hazuka said when measurements had concluded the preservation area ended up being 28 feet long by 28 feet wide. Hazuka said she would revise the measurements of the buffers on page 10 so the buffers plus the rock platform would equal to 28 feet both in length and width.

Frampton wanted to know why the preservation area was 28 feet and not 30 feet and if there was nothing preventing the expansion of the preservation area by another two

feet, said he would feel much more comfortable with the preservation area being set at the 30 foot standard. Hall explained that the council had had many instances where a 30 foot preservation area was not possible and said in general the council liked to start with a 30 foot buffer zone during the initial review of a site, but did say that 30 foot buffers were not always applied. Given the discrete amount of remains that would be reinterred, Hall said she was comfortable with a 28 foot long by 28 foot wide preservation area. Given that the site would be marked twice, once by the construction of the rock platform and again by the construction of two boundary rock walls also helped to increase Hall's comfort level.

After reviewing her notes Hazuka explained the original reinterment pit was proposed for the southeastern corner of the preservation area which had five foot buffers on the south and east sides and twenty foot buffers on the north and west sides, plus the three foot rock platform totaled the twenty-eight feet. Hazuka said she was asked by the council to see if the reinterment pit could be centered in the preservation area and thought that was where the measurements were thrown off. SHPD staff Melissa Kirkendall suggested having 12.5 feet buffers on all sides of the platform which would total 28 feet in both the length and width of the preservation area. Hazuka asked the council if Kirkendall's suggestion was acceptable to which the council agreed it was. Hazuka said she would revise the text on page 8 under the subheading Preservation Area/Buffer Zone to reflect the necessary changes on page 10 and to incorporate the 12.5 foot buffers on all sides of the rock platform.

Kirkendall asked if there were any plans for the east and south sides or if walls would be built to better demarcate the preservation area. Hazuka said a wall already existed along the southern side, but mentioned there was no wall separating the preservation area from state property on the eastern side. Hall asked if the wall along the south side boundary line was being preserved. Hazuka said she thought it was and asked Mike Dega an archaeologist of Scientific Consultant Services who was monitoring the adjacent parcel along the south side of the preservation area if he knew what the status of the rock wall was. Dega said a portion of the wall was to be preserved and would help to mark the southern side of the preservation area on the Stevens property. Hazuka said the 28 feet on the eastern side of the preserve would be open.

Frampton asked Hazuka if she could revise some text to justify how the distances of a 28 foot long by 28 foot wide preservation area was determined as well as how the buffers ended up being set at 12.5 feet on all sides of the platform. Frampton thought the revisions would really help from a consistency standpoint and mentioned it would also help someone in the future to better understand why and how the particular distances were derived.

Hall thought a section of wall encompassing 28 feet needed to be built along the eastern boundary line to delineate the preservation area from the property owned by the state. Hazuka wanted to address the issue of having an opening in the rock wall for the upkeep and maintenance of the preservation area and rock platform. Hall said an opening in the rock wall either in the north or west side of the preservation area should not exceed six feet in width. Hazuka said she would make the changes to the text under item two on page eight so the last two sentences reads, "There shall be an opening along either the north or west wall for access and maintenance purposes. This

opening shall be no wider than six feet.” Hazuka said she would revise page 10 so the plan view was clearer.

Hall said line 4 under subheading Recordation on page 9 to add an “s” on the end of the word conveyance. Hall said the fourth line of the third paragraph on page one which reads, “Per a request by the landowner, these human skeletal remains shall be reinterred in the southeast corner of the project area” should be amended to read, “The landowners request that these human skeletal remains be reinterred in the southeast corner of the project area.”

Hall said the council would render a determination on a request to relocate the displaced human remains. Hall said the item before the council was unusual because she could not recall a time when the burial council had made a primary decision on remains that were not in its’ original place of interment or that did not have some element of an in situ component. Hall felt the council needed to make a few findings to clarify the situation.

**Fisher moved and Frampton seconded, “that the Maui/Lanai Islands Burial Council finds that the partial human skeletal remains of an adult and child, believed to be of native Hawaiian ancestry, were discovered in a disturbed context and their original place of interment is unknown. These remains were collected during archaeological inventory testing and the landowners had requested relocation of the remains. Based on these findings and at the request of the landowners, the Maui/Lanai Islands Burial Council determines that the human skeletal remains identified as State Inventory of Historic Places Site: 50-50-11-5477 Feature 2a shall be relocated and reinterred in a permanent preservation area in the southeast corner of TMK: 2-1-006:104.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**Frampton moved and Kaahui seconded, “that item A under Business of the agenda for the MLIBC December 28, 2005 meeting be amended to include the words (and Preservation) after Burial Treatment so under recommendation it reads, recommendation on burial treatment and preservation plan.”**

Frampton wanted to know if the council had the right to amend the agenda. Hall said she did not think amending the agenda would cause any problems because the amendment only dealt with a recommendation. Hall said SHPD would need to draft a letter accepting the burial treatment and preservation plan (BTPP) and mentioned if there were any problems with the BTPP, then the BTPP would come before the council for further discussion.

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**Frampton moved and Fisher seconded, “that the Maui/Lanai Islands Burial Council recommends approval of the burial treatment and preservation plan for displaced human skeletal remains at the Stevens’ residence located at TMK: 2-1-006:104 with the incorporation of the requested revisions to pages 1, 8 and 10.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**B. BURIAL SITE IDENTIFIED ON LAUNIUPOKO LOT 2, MAHANALUA NUI SUBDIVISION, LAUNIUPOKO AHUPUAA, LAHAINA DISTRICT, ISLAND OF MAUI, TMK: 4-7-01**

**Information / Recommendation:** Discussion of Burial Site Identified During Archaeological Inventory Survey.

Mike Dega of Scientific Consultant Services (SCS) Archaeology introduced himself and said the particular agenda item was initially discussed at the November 17, 2005 IBC meeting as an introduction to the remains that were found in a small rock shelter. As a result of the November meeting, Dega said Edward Kaahui, Keeaumoku and Uilani Kapu visited the site just before Thanksgiving. Dega said Kirkendall visited the site mid December of 2005. Dega asked the council for a recommendation on preservation in place or relocation of the burials that were identified.

At the November meeting the council had asked for additional testing around the burial site. Hall wanted to know if the additional testing had been completed and if so, what the results were. Dega said an additional 50 X 50 centimeter test unit was completed near the original test pit which revealed a single additional bone fragment. Kirkendall asked if the depth of the test unit was sufficient to which Dega said it was because the maximum depth of the tested area was only seven centimeters. Fisher inquired as to the gender of the burial. Dega said David Dillon who identified the burial thought the burial may have been female. Dega did mention there was not enough evidence to support Dillon's assessment of the burial being female. Hall asked how many remains were identified in all to which Dega answer was five.

Kapu was concerned because the burial site was discovered in an area where a previous inventory survey had been completed by Alan Haun. Dega said figure 3 on page 4 of his report showed a summarization of two inventory surveys. Dega said SCS conducted its studies in the region of the shaded yellow area and mentioned Alan Haun's studies was conducted in the dotted line area. Dega said some of the people contracted by SCS accidentally went into the project area inventoried by Haun and discovered the burial site. Dega said it was hard to distinguish the project area inventoried by Haun from the project area being inventoried by SCS because there were no stakes or boundary markers on the 1100 acre property which separated the two project area. Kapu asked if the yellow shaded area on page 4 was where SCS conducted their inventory survey. Dega said the yellow area is 570 acres and was where SCS carried out their field work. Fisher wanted to know if the entire 1100 acres had the same landowner. Dega said the yellow area was owned by West Maui Land Company and the other area inventoried by Haun was owned by Makila Land Company.

Kirkendall said what was being discussed should be included in the inventory survey report by SCS to cover the history of the project area, particularly that the burial site was found in an area that was inventoried by Haun. Frampton wanted to know if the current report by SCS would indicate the current TMKs of the project area to which Dega answered yes. Frampton asked how SHPD would file the site being that it was found in an area previously inventoried. Kirkendall said the report by SCS should reference

former TMKs, but mentioned an ongoing problem was that the county had a backlog of assigning TMKs. Kirkendall said most developers were pretty good with updating SHPD with current information of maps of the project areas and the relevant TMKs.

Kapu wanted to know what happens when an inventory survey that had been completed and sites were missed including burials, but later discovered and identified during another inventory survey. Kirkendall acknowledged that not every site was always identified, but did say that in general sites found after completion of an inventory survey are reported. Kapu said during his site visit, he noticed a stone with petroglyphs in the project area that was not reported in the previous inventory survey. Kapu thought the stone with the petroglyphs was related to the site where the burial was found. Kirkendall suggested Kapu follow up with reporting the additional site so SHPD could assist in getting the landowner to protect the site. Kapu said Heidi Bigelow was supposed to find out who was the landowner of the property where the stone was discovered. Kapu felt the whole area should be reexamined in light of the two discoveries that were missed. Kirkendall said Kapu's suggestion had been done in the past where SHPD had asked for a project area to be resurveyed and recommended that SCS conduct additional field work to see if additional sites were in the immediate vicinity. Dega said the stone with the petroglyphs would be documented in the inventory survey prepared by SCS. Kirkendall said the property owner needed to be consulted with on all sites that had and may be discovered.

Uilani Kapu was concerned about the amount of sites and artifacts being uncovered as development within the project area occurred because many of the sites and artifacts had not been reported. U. Kapu wanted to know what the process for archaeological monitoring was. Kirkendall said a primary reason for the lack of sites and artifacts being reported was due to the issue of lots which had been sold and now had new property owners. Kirkendall said the emphasis on having new property owners address protective measures for sites which may be present are almost always attached as a condition for a building permit filed with the county. Kirkendall said a foundation needed to be established to warrant monitoring, such as a previously identified site, before SHPD could make the recommendation for monitoring. Frampton wanted to know how the situation would be handled given a significant amount of sites were missed during the initial inventory survey conducted by Alan Haun. Kirkendall offered the possibility of conducting additional inventory surveying work. Hall thought U. Kapu's concern focused more on the entire project area rather than the isolated burial discovery. U. Kapu felt very strongly that monitoring needed to occur predominantly in areas where development was occurring and also periodic monitoring on undeveloped lots which had been sold to protect and prevent sites which may be revealed from washing away. Hall reiterated what Kirkendall had mentioned earlier and said that in order to require monitoring there needed to be a known or presumed presence of sites based on a clear rationale on why sites may be present in a certain area. Hall thought the recording of the additional sites which originally had not been documented was an excellent opportunity to reassess the area. Hall said the parcels on which the burial and the stone with petroglyphs were found had a high likelihood of requiring monitoring.

*William Frampton recused himself from further discussion of the present agenda item due to his business partner's involvement with the item.*

Based on inventory surveys of the project area, Kapu concluded there were large amounts of sites, features and artifacts but thought that there were still elements missing from the surveys. Kapu felt a part of the history about the project area had been lost because sites were being identified after an inventory survey had been accepted. Kapu said there were residential lots within the project area that had large stones with petroglyphs and felt the stones lost part of the history and association with the land because the stones were being used as meaningless monuments. Kapu was concerned about Launiupoko being turned into a mockery of cultural renaissance because large tikis were placed in the front yard of property owners without any cultural consideration. Kapu wanted to know what happens to the history of artifacts or sites found on a property owners land. Kapu felt the inventory survey conducted in 1998 and 1999 was unacceptable. Fisher wanted to know if the Cultural Resources Commission had any avenue to address some of Kapu's concerns to which the answer was no.

Kapu wanted to know who the current landowner was that would take responsibility for the burial site. No one knew who the current landowner was. Kapu asked if the inventory survey by Alan Haun was accepted in 1998 to which Kirkendall answered yes. Kirkendall said the burial had not been currently documented because the burial treatment plan was still in the preliminary stages of discussion. Kirkendall said the current inventory survey needed to be completed and accepted to provide her with the opportunity to indicate that a burial was found in a previously surveyed area and recommend resurveying the vicinity. Kapu asked if the area would be resurveyed without the discretion of the landowner. Hall said resurveying the property was part of the historic preservation process. Dega said the landowner already had some permits and did some work on the property. Kirkendall thought the work that occurred was carried out by the developer and not the landowner. Kirkendall said the opportunity of recommending reexamination of a sold lot based on the finding of a burial was still available.

Hall wanted to know where the boulder with the petroglyphs was. Dega identified the boulder's location on figure 4 of page 5. Hall said the current inventory survey by SCS needed to be completed to serve as the foundation for the BTP. Hall said the BTP could not formally be introduced to the council until the inventory survey had been completed and accepted by SHPD. Based on the site visit by Kaahui and Kapu, Hall wanted to know if the council should recommend preservation in place or relocation of the burial. Kapu and Kaahui both recommended preservation in place. Hall wanted suggestions from Kaahui and Kapu on how best to preserve the burial within the rock overhang due to the scant presence of soil to cover the remains. Hall said additional protective measures such as sealing the opening or augmenting the core of the overhang may be needed due to the lack of soil.

**C. DRAFT BURIAL TREATMENT PLAN FOR SITES 50-50-17-5627 & -5628, IN HAOU AHUPUAA, HANA DISTRICT, ISLAND OF MAUI, TMK: 1-5-004:005**  
**Information / Recommendations:** Discussion of Revised Draft Burial Treatment Plan.

Mike Dega of SCS introduced himself and said the burial treatment plan covered two probable burial features originally documented by former SCS archaeologist, Chris Monahan. Dega said Monahan revised the BTP three times based on the council's



recommendations. Dega wanted to know if the council had any further comments on the BTP and hoped the council would be able to render a determination at the January MLIBC meeting. Hall wanted to know if the landowner was asking for a determination to which Dega answered yes.

Hall thought the majority of the comments made by the council at previous meetings had been incorporated into the BTP. Some of the comments incorporated consisted of the inclusion of an enclosure within the preservation area and photographs that clearly showed where the burial sites were located. Hall said Sunny Greer should be alerted to the fact that the council was dealing with possible burial sites and that confirmation should occur before the BTP was placed on an agenda for a determination. The reason for alerting Greer of the situation was because Hall wanted to know if SHPD would have any objection with the council approving a BTP for possible burial sites. Dega asked if SHPD had ever questioned preserving unconfirmed burial sites in the past. Hall said the rules did not cover the treatment of possible burial sites. There was some confusion about the preservation of possible burial sites because Hall thought that if public testimony was presented before the council claiming that a burial was in a particular area and the council and/or SHPD determined the testimony to be credible, Hall said normally SHPD would fill out a burial site form and record the burial with an SIHP (State Inventory of Historic Places) number. Hall thought it made sense to treat the agenda item the same as if a person had given public testimony about a burial site that was determined to be credible. Hall asked Dega to discuss the issue with Greer to see if in fact the BTP could be placed on January's agenda for a determination.

**D. INADVERTENT BURIAL DISCOVERIES ENCOUNTERED DURING  
RETAINING WALL PROJECT AT VICTOR CAMPOS PROPERTY, WAILUKU  
AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK: 3-4-039:076**

**Information / Recommendation:** Status Update on Retaining Wall Project and Implementation of Mitigation Measures for Inadvertent Burial Discoveries.

Mike Dega of SCS introduced himself and said that not much had happened since last month's IBC meeting. Dega said he spoke with the landowner Victor Campos after November's IBC meeting and told Campos to complete construction of the retaining wall. Dega said he and Bill Fortini had called Campos on separate occasions to push for completion of the retaining wall. Dega said he visited the site before today's meeting and did not see any significant progress. Kirkendall said Campos had formed up the area where the most recent inadvertent burial was discovered. Dega acknowledged what Kirkendall had said and mentioned the wall where the second inadvertent burial was found closest to the Lao Valley side of the dune had slightly been raised. Dega said the second inadvertent burial was still partly exposed and was hoping the wall would be completed so the area behind of the wall could be backfilled which would cover and protect the burial. Fisher felt something could be done to cover the exposed remains. Dega said it was very difficult to do any type of work where the burial was located because the dune was in jeopardy of collapsing. Kapu suggested using hydro mulching as a way to protect the burial and to temporarily help stabilize the dune.

Fisher suggested attaching some type of (inaudible) to the side of the dune and draping something to cover the burial. Kirkendall said attaching anything to the top of the dune would destabilize the area. Kirkendall questioned use of the spray mulch because it

would be sprayed directly onto the exposed skeletal remains. Kirkendall thought the best thing to do was to continue to push Campos to complete construction of the retaining wall to which Dega and the council agreed. Kirkendall said she would call Campos to push for completion of the wall. Hall suggested SHPD draft a letter to Campos stating that particular mitigation measures had not been undertaken to protect the human skeletal remains.

**Fisher moved and Kapu seconded, “that the Maui / Lanai Islands Burial Council recommends to the State Historic Preservation Division that a letter be written to Victor Campos requesting immediate action by Victor Campos [on] mitigation measures to protect in place the second inadvertent burial encountered during construction of the retaining wall on TMK: 3-4-039:76.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

Fisher wanted to know why Victor Campos was delaying the completion of the retaining wall to which no one knew the answer. Kapu wanted to know what would happen if the dune did collapse damaging and/or exposing more burials. Kirkendall thought Campos may be responsible for neglect of the burials, but not the intentionally and knowingly damage that may result. Hall said Kapu’s question should be addressed to Vince Kanemoto the Deputy Attorney General. Hall said Campos agreed to preserve the second inadvertent burial in place and if Campos did not want to complete construction of the retaining wall then Campos had to put some other type of mitigation measure into effect.

Kapu wanted to know if the council had made previous recommendations detailing how the retaining wall was to be built to which Frampton and Hall said yes. Hall said the council had asked for the retaining wall to be built in sections with the idea that whenever grading of the dune occurred, a portion of the retaining wall would be put up in the section of the graded area. Kapu wanted to be sure the council had made the appropriate recommendations and could not be held liable for any potential problems should the dune collapse. Kirkendall said the council had made numerous recommendations in the past and was not prohibiting completing construction of the retaining wall in any way.

**E. HUMAN REMAINS FOUND IN ARTIFACT COLLECTIONS OF KAHANU GARDEN, HONOMAELE AHUPUAA, HANA DISTRICT, ISLAND OF MAUI, TMK: 1-3-002:039**

**Information / Recommendation:** Discussion of Human Skeletal Remains Recovered During Restoration of the Piilanihale Heiau and Mitigation.

Kamaui Aiona the Director of Kahanu Garden introduced himself and said he had found human skeletal remains from an artifact collection that was being stored at Kahanu Garden. Aiona said the remains were discovered during inventory of Kahanu Garden’s artifacts. Upon discovering the remains, Aiona said he had done a lot of research trying to find out who originally found the bones, why the bones were in Kahanu Garden’s artifact collection, who labeled the bags the bones were in and why weren’t the bones reinterred. Aiona said he spoke with a lot of archaeologists starting with Michael Kolb who did some excavation in 1988 and 1989 but discovered that Kolb had nothing to do

with the bones. Aiona said the bones were found in a bag dated 1998 and confirmed with Eric Komori that the bones were collected during a restoration project of Piilanihale Heiau. Aiona said he would like to have a burial treatment plan prepared for the remains and asked if a sample BTP could be provided. Aiona wanted to make the council aware of the remains and sought the council's recommendation on how best to handle the situation.

Hall wanted to know in what archaeological context the remains were found. Aiona said he spoke with a mason who was present when the remains were found and was told the remains were found when rocks had been moved around during a search for the base stones that were to be used during the restoration of the *heiau*. One of the memorandums Aiona had, described the remains having been found in midden of prehistoric and historic origin. Hall thought the primary documentation about the remains needed to be located to hopefully help identify exactly where the remains were removed from. Aiona said he spoke with a longtime employee of Kahanu Garden who informed him of the location from where the remains were removed. Aiona said he was informed that a pole and rocks were left marking the area where the remains came from. Kirkendall wanted to set up a date to meet Aiona at Kahanu Garden to conduct a site visit of the area. Aiona said he would provide a report by Kolb which showed different phases and parts of Piilanihale Heiau. Hall asked if Kema Kanakaole, the Hana representative had been contacted and informed about the particular agenda item to which Aiona answered yes. Hall said that Kirkendall's site visit should be coordinated with Kanakaole so both could assess the area together.

**F. CASE UPDATES / OTHER INADVERTENT DISCOVERIES**  
**Information / Recommendation:**

Status Update on Inadvertent Burial Discovery Near the South End of Munroe Trail, Lahaina District, Island of Lanai, TMK: 4-9-2:001.

Hal Hammatt and Tanya Lee-Greig of Cultural Surveys Hawaii (CSH) introduced themselves. Hammatt said remains were discovered by a mountain biker on 1 July, 2005 and reported to Albert Morita of DLNR (Department of Land and Natural Resources) who informed Kirkendall about the discovery. Hammatt said when Castle & Cooke was informed about the discovery, CSH was basically told to deal with the situation. Hammatt said the remains were assessed and determined to be of five individuals on a very steep eroding slope. Hammatt said he had asked Castle & Cooke to restrict hunters from frequenting the area. Due to the remains having been exposed, Hammatt said the bones were in poor condition and that erosion had caused some of the remains to be dislocated from its original position. Hammatt believed some remains were at the bottom of the slope due to the erosion. Hammatt said a map of the site could be found on pages 15 and 18 of data recovery plan and also mentioned photographs of the site were on pages 16 and 17. Hammatt said CSH received a letter from SHPD recommending the remains be disinterred and reinterred at a later time. Hammatt said CSH had consulted with members of the burial council including Pua Paoa the Lanai representative as well as Sol Kaupuiki and Glenn Richardson both of Lanai. Hammatt said the data recovery plan had been submitted and approved by SHPD. Hammatt said the plan proposed to disinter the remains and reinter the remains above the slope in an area which would not be affected by erosion. Hammatt

said the remains would be stored in a secured metal box provided by Castle & Cooke. Hammatt said the reinterment area would be marked by a concrete slab and rock platform on the surface. At a previous meeting, Leslie Kuloloio had asked for an inventory of previous finds on the island of Lanai as a result Hammatt said the inventory of previous finds was on pages 24-26.

Paoa said she had spoken with friends and together theorized that the remains may have been of high class. Paoa and her friends theorized that the height of elevation of where the remains were found may have correlated with the height of class the particular remains may have come from. Paoa said the possibility of having some high school students involved to help with labor was discussed. Paoa said she agreed with the proposal to relocate the remains. Lee-Greig said a request was made to have *kupunas* present during the disinterment and reinterment of the remains.

Kapu asked what the name of the ridge where the remains were found was. Lee-Greig said the ridge was mostly known as Lanai Hale. Hall wanted to know about the *kupuna* interested in being present during the disinterment and reinterment process. Lee-Greig said CSH basically let Paoa handle pursuing and coordinating with *kupunas* on the situation. Paoa said she was still consulting with particular people and that there was nothing concrete to report. Hall asked when the disinterment was anticipated on being conducted. Lee-Greig said she anticipated disinterment to occur sometime during the middle or later part of January. Hall said she did not see any problem with the agenda item being discussed and suggested the next time the item was presented to the council, that it be presented as a separate agenda item and not as a case update so the council may comment and suggest recommendations.

Hall wanted to know specifically where the metal container would be stored. Lee-Greig said the metal container would be placed at the relocation area. Hall asked what type of security the relocation area had. Lee-Greig said there was no real presence of security. With the lack of security, Hall wanted to know why the metal box would be transferred to the relocation site. Lee-Greig said the metal box was being transferred to the relocation site to prevent moving the remains to Lanai City and back up to the reinterment location. Lee-Greig said the metal box had been previously used on Kahoolawe and assured the council the metal box was secured given the size, weight and lock. Hall suggested more consultation involving the storage of the remains needed to occur due to the poor conditions of the metal box being heated by the sun. Hall said it may be better to have the remains stored somewhere in Lanai City and if so, to have the time from disinterment and reinterment as short as possible.

#### Status Update on Inadvertent Burial Discoveries of Human Skeletal Remains Located at Pierson Property, Puunoa Ahupuaa, Lahaina District, Island of Maui, TMK: 4-5-004:048.

Lisa Rotunno-Hazuka of ASH introduced herself and said human skeletal remains were found during monitoring on two separate occasions. Hazuka said the site was visited by Hall, Kapu and Kaahui and mentioned that the burials would be preserved in place. Hazuka said both burials were found during the digging of footings. Hall said the disturbed elements of both remains had been reburied with the appropriate individuals. Hall informed the Council that most of the trenches were dug for footings that would be three feet deep and that a fewer number of trenches were for five foot footings. Both

Hall said both burials were encountered in five foot deep trenches, at approximately the same elevation, indicating that there may be burials beneath the area where the three foot deep trenches were excavated.

Hazuka said a reinterment ceremony was conducted and that the burials were secured with a concrete cap on the surface. Hazuka said she would come back to the council to discuss what type of surface markers could be constructed. Hall said the parcel on which the two burials were identified had been subdivided from a larger property. It was suggested that the larger adjoining property on the Maalaea side of TMK 4-5-004:048 be filled to prevent the possibility of digging up other burials. Hall said it was very likely that a concentration of burials may be present in the immediate area.

Hall said the remaining items under case updates would be deferred until the next IBC meeting.

#### **IV. ANNOUNCEMENTS**

None

#### **V. ADJOURNMENT**

**Fisher moved and Kapu seconded, “to end the meeting at 12:00 p.m.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

Respectfully Submitted,

Kawika Farm  
Clerk Stenographer II  
State Historic Preservation Division